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ORDINANCE NO. 48-753

AN ORDINANCE AMENDING SECTIONS 3.40.020, 3.40.030, 3.40.035, 3.40.040, 3.40.050, 3.40.060, 3.40.070, 3.40.090, 3.40.100 AND 3.40.135, CREATING SECTIONS 3.40.038, 3.40.061, 3.40.063, 3.40.065, 3.40.115, 3.40.118 AND 3.40.145 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO ALARM SYSTEMS, AMENDING SECTION 19.08.050 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO ELECTRICIANS' CERTIFICATES, PERMITS AND LICENSES AND REPEALING THE ORIGINALS OF SECTIONS 3.40.020, 3.40.030, 3.40.035, 3.40.040, 3.40.050, 3.40.060, 3.40.070, 3.40.090, 3.40.100, 3.40.105, 3.40.135 AND 19.08.050 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

“SECTION 1. Section 3.40.020 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**"Definitions.** As used in this chapter, the following words shall have the following meanings:

(a) ‘Alarm Administrator’ means the person designated by the Chief of Police to administer the provisions of this chapter, and monitor, control and review alarm response procedures and alarm business activities.

(b) ‘Alarm Business’ means any individual, partnership, corporation or other entity which has as one of its principal business purposes the altering, installing, leasing, selling, maintaining, repairing or servicing an alarm system or fire alarm system or which causes any of these activities to take place. Such term

shall also include alarm servicing companies who engage in the activity of monitoring alarm systems.

(c) 'Alarm Servicing Company' means the person who shall be responsible for determining that an alarm system has been activated and notifying the communications center of the alarm activation and the need of an emergency response by law enforcement, fire or emergency medical personnel.

(d) 'Alarm System' means an assembly of equipment, devices or a single device arranged to signal the presence of a hazard requiring urgent attention and to which law enforcement, fire or emergency medical personnel are expected to respond. The following devices shall not constitute an alarm system:

1. smoke alarms;
2. other alarms designated to merely give internal on-premises notification of an alarm condition;
3. alarm devices affixed to motor vehicles;
4. hand-held personal safety devices not connected to a central monitoring system or station;
5. security alarm systems which are not monitored by an alarm servicing company.

(e) 'Automatic Dialing Device' means an alarm system which automatically sends over regular telephone lines, by direct dialing or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation the alarm system is designed to detect.

(f) 'Board' means the Board of Electrical Appeals.

(g) 'Certified Alarm Installer' means an individual who holds a certificate issued by the City of Wichita, evidencing such person to be qualified to

install, service, maintain, repair and replace residential and commercial alarm systems.

(h) 'Chief of Police' means the Chief of Police of the city or a designated representative.

(i) 'City' means the City of Wichita, Kansas.

(j) 'City Manager' means the City Manager of the city or a designated representative.

(k) 'City Treasurer' means the City Treasurer of the city or a designated representative.

(l) 'Communications Center' means the Sedgwick County Department of Emergency Communications.

(m) 'Direct Connect' means an alarm system which has the capability of transmission and reception of alarm system signals directly to the communications center.

(n) 'Director of Emergency Communications' means the Director of the Sedgwick County Department of Emergency Communications or a designated representative.

(o) 'Emergency Medical Personnel' means employees of the Sedgwick County Emergency Medical Service.

(p) 'False Alarm' means: 1) the activation of an alarm system in the City resulting in an urgent response by law enforcement, fire or emergency medical personnel when a situation requiring an urgent response does not, in fact,

exist at the time of activation of the alarm; or 2) an alarm system designed to be used to report a robbery or holdup, when used for any other purpose.

A false alarm may be the result of, but not limited to, mechanical or electronic failure, malfunction, improper installation, improper adjustment, accidental tripping, misoperation, misuse, defect or negligence of a person

An alarm signal is caused by violent conditions of nature or other circumstances not reasonably subject to control by the alarm user or alarm business shall not be deemed a false alarm for the purposes of this chapter.

(q) 'Fire Alarm' means an alarm to which fire personnel have been requested to be dispatched to respond.

(r) 'Fire Alarm System' means an alarm system designed to signal the presence of a hazard requiring urgent attention and to which fire personnel are expected to respond.

(s) 'Fire Personnel' means employees of the Wichita Fire Department.

(t) 'Governmental Building Alarm System' means any alarm system installed in any location owned or used by the United States government, the state and its political subdivisions, the City of Wichita or any agencies thereof.

(u) 'Law Enforcement Personnel' means any person vested by law with a duty to maintain public order or to make arrests for violations of the laws of the state or ordinances of the city and includes regular and reserve personnel of the Wichita Police Department.

(v) 'Medical Alarm System' means an alarm system designed to signal the presence of a hazard requiring urgent attention and to which emergency medical personnel are expected to respond.

(w) 'Multiple Alarm System' means any of the following:

a. Separate structures each having their own alarm system which are located at the same street address and are owned by the same person or business; or

b. A single structure which has more than one alarm business monitoring alarms within the structure.

(x) 'Person' means any person, firm, partnership, association, corporation, company or organization of any kind.

(y) 'Security Alarm' means an alarm to which law enforcement personnel have been requested to be dispatched to respond.

(z) 'Security Alarm System' means an alarm system designed to signal the presence of a hazard requiring urgent attention and to which law enforcement personnel are expected to respond.

(aa) 'Alarm User' means any person who has a functioning alarm system on premises under the person's control.

(bb) 'Fire Chief' means the Chief of the Wichita Fire Department or a designated representative.

(cc) 'Alarm Site' means a single fixed premises or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate alarm site.

(dd) ‘ANSI/SIA Control Panel Standard CP-1’ means the ANSI – American National Standard Institute approved security industry association – SIA CP-1 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard or any subsequent standard established by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: ‘Design evaluated in accordance with SIA CP-1 Control Panel Standard Features for False Alarm Reduction.’”

SECTION 2. Section 3.40.030 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“**License required.** (a) It is unlawful for any person to engage in the operation of an alarm business within the City without having first obtained a license to operate such a business from the City Treasurer.

(b) Any person who violates the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment of a term not to exceed six months or by both such fine and imprisonment.”

SECTION 3. Section 3.40.035 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Certifications--Persons engaged in installation or repair of alarm systems.

(a) It is unlawful for any person to engage in the altering, installing, maintaining, repairing or servicing of an alarm system within the city limits, or

causing the same to take place without having been certified for the particular classification of system involved.

(b) Any person desiring to engage in or work in the business of installing, repairing or altering alarm systems shall make application to the Office of Central Inspection for a certificate.

(c) A security alarm certificate issued to an individual wishing to engage in the business of or perform the act of installing, repairing or replacing security alarm systems shall authorize such individual to engage in such activities.

(d) No certificate shall be issued to any individual to install security systems who is not certified by the Kansas Electronic Security Alliance, Electronic Security Association, or other national testing agency with a test designed specifically for alarms.

(e) A fire alarm certificate issued to an individual wishing to engage in the business of or perform the act of installing, repairing or replacing fire alarm shall authorize such individual to engage in such activities.

(f) No certificate shall be issued to any individual to install, repair or replace fire alarm systems who is not certified by the National Institute for Certification in Engineering Technologies (NICET II, III or IV) or the International Municipal Signal Association (IMSA I or II).

(g) The fee for certificates shall be established by the Superintendent of the Office of Central Inspection to cover the administrative costs of issuing such certificates. All such certificates shall be renewed biennially upon payment of a fee established by the Superintendent of the Office of Central Inspection to

cover the administrative costs of issuing such certificates. All certificates expire on the thirty-first day of December of each odd-numbered year and no reduction shall be made for part of the year being elapsed. Certificates which have not been renewed by March 1<sup>st</sup> after their expiration, may be subject to appearance before the Board prior to reissuance of a certificate.

(h) The Board of Electrical Appeals is authorized to cancel, suspend and/or revoke the certificate of any alarm installer issued by the Office of Central Inspection”

SECTION 4. Section 3.40.038 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

**Apprentice and/or helper:** An apprentice or helper shall be permitted to perform the act of installing, repairing or replacing any alarm system within the city when he or she is on the job site with and under the direct supervision of an alarm technician certified by Section 3.40.035. Both individuals must be employed by a licensed alarm contractor. If an apprentice or helper works without the required supervision, both the alarm contractor and the apprentice/helper shall be guilty of this offense.

SECTION 5. Section 3.40.048 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

**“Installation Requirements:** (a) All alarm systems or any of its component parts shall be installed in accordance with Title 19 of this code.

(b) Fire alarm systems shall be installed in accordance with the provisions of Titles 15, 18 and 19 of this Code.

(c) Upon enactment of this ordinance, alarm installation companies shall use only ANSI/SIA CP-01 listed alarm control panels on new installations, panel replacements or upgrades of security alarm systems.

(d) It is unlawful for any person to install or replace a fire alarm system unless a permit has been issued for such work. Permits and inspection shall be obtained as required by Chapter 19 of the Code of the City of Wichita.

(1) Any person who installs any alarm devices for which a permit and inspection are required without first obtaining a permit shall pay a special permit fee of double the amount of the permit issuance as listed above.

(2) Where extra inspections are made because of faulty construction or failure to make necessary repairs, a fee established by the Superintendent of

Permit Fee Schedule		
0 – 10	Devices	\$50.00
11 – 25	Devices	\$90.00
26 – 100	Devices	\$140.00
101 – 200	Devices	\$200.00
201 – 400	Devices	\$350.00
401 – 600	Devices	\$525.00
Over 600	Devices	\$525.00 plus \$50 for each additional 100 devices or fraction thereof

(3) Central Inspection to cover the administrative costs may be charged for each inspection.

(4) Every permit issued by Central Inspection under the provisions of this code shall expire by limitation and become null and void if the work authorized by the permit is not commenced within one hundred eighty days (180) from the date of such permit, or if the work authorized by such permit is suspended or

abandoned at any time after the work is commenced, for a period of one hundred eighty days (180), or one hundred eighty days (180) has expired since an inspection, as required by Chapter 19 of the code of the City of Wichita was requested and such inspection was approved by the building authority.

SECTION 6. Section 3.40.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**“License application--Form and content.** Any person wanting to obtain a license to operate an alarm business in the City shall make application on a form provided therefore to the City Treasurer. Said application shall be verified, accompanied by the required application fee and contain at a minimum the following information:

- (1) Date of application;
- (2) Name, address and telephone number of the business and type of business organization (individual, partnership or corporation). If an individual, the name, date of birth, race, sex, address and telephone number; if a partnership, the names, dates of birth, race, sex, addresses and telephone numbers of all partners; if a corporation, the names, dates of birth, race, sex, addresses and telephone numbers of the officers and the state of incorporation;
- (3) Name, address and telephone number of the person certified, as required by Section 3.40.035, who is responsible for repair and maintenance of the alarm systems;

(4) A list of all felony convictions of any person required to be named on the application;

(5) A statement that service for the alarm systems leased or installed by the alarm business will be offered on a twenty-four hour, seven-day-a-week basis;

(6) A statement that the applicant and all agents, representatives and employees of the applicant will, at all times, comply with all the laws of the United States and state, ordinances of the city and resolutions of Sedgwick County in the operation of the alarm business;

(7) A copy of such person's certification as required by Section 3.40.035 if such person is also engaged in the business of or engages in the altering, installing, maintaining, repairing or servicing alarm systems. For purposes of this subsection, a license may be issued to any firm, co-partnership or corporation of which at least one active member or officer who devotes full-time to the firm, co-partnership or corporation has received such certification;

(8) A statement certifying that the alarm business has provided to the Alarm Administrator or his or her designee a complete and current customer list in a format acceptable to the Alarm Administrator or a designated representative;

(9) Proof of general liability insurance coverage. Such insurance policy shall be written with an insurance company licensed to

do business in the state and shall have minimum limits of coverage of three hundred thousand dollars (\$300,000.00) per occurrence. ”

SECTION 7. Section 3.40.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“**License fee.** (a) Each application for an alarm business license, whether new application, renewal, or as a result of revocation shall be accompanied by an annual fee of one hundred dollars. Such fee shall not be refundable.

(b) Each applicant providing monitoring services shall, in addition to the payment of the above fees, submit payment of all outstanding administrative penalties which may be due under the terms of this chapter at the same time as the license application as a requirement of completing the application process.”

SECTION 8. Section 3.40.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“**Investigation of application--Issuance of license--Posting license--License nontransferable--Term--Renewal.**

(a) Upon receipt of an application for an alarm business license and payment of the required fees, the City Treasurer shall refer the application to the Chief of Police, Fire Chief and Superintendent of Central Inspection for investigation and recommendation regarding issuance of the license. Approval shall be recommended so long as the application is satisfactorily completed and no owner, manager, partner, director or officer of the business has ever been convicted of a felony.

(b) No application shall be approved if the applicant, in the last two years, has violated the terms and conditions of this chapter.

(c) No license shall be issued if the alarm business owes licensing fees or administrative penalties to the City of Wichita.

(d) Upon favorable recommendation of the Chief of Police, Fire Chief and Office of Central Inspection, the City Treasurer shall issue the applicant an alarm business license. The issued license shall be displayed and available for inspection on the business premises of the licensee.

(e) No license issued under this chapter shall be transferable, and any such licenses shall be issued for a period of one year from date of issuance. Renewal of such license shall be accomplished in the same manner as issuance of the initial license.

(f) No license shall be issued unless the alarm business has provided to the alarm administrator, at the time of the license application, a complete and current customer list in a format acceptable to the Alarm Administrator or a designated representative.

(g) No license shall be issued if proof of liability insurance as required by Section 3.40.040 is not submitted with the application.

(h) For the purposes of this section, the filing of charges or a conviction in a court of law is not required to establish that a licensee or applicant has violated the terms and conditions of this chapter. A certified copy of conviction from any local or state court for such violation is *prima facie* evidence

of a violation. A conviction shall include being placed on diversion or being adjudged guilty upon entering a plea of no contest.”

SECTION 9. Section 3.40.061 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

**“Revocation of license--Notice of hearing.** Any license issued under this chapter may be suspended for a period not to exceed thirty days or be revoked by the Chief of Police or Superintendent of Central Inspection after five days’ written notice, if the licensee (1) has failed to pay the annual license fee, (2) violated any provision of this chapter, (3) becomes ineligible for a license because of any of the provisions of this chapter, or (4) said licensee has given a false statement as to a material fact submitted to the City Treasurer during the application process.”

SECTION 10. Section 3.40.063 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

**“Appeal Procedure.** (a) Any applicant or licensee aggrieved by the denial, suspension, or revocation of an alarm license may file with the City Clerk a written notice of appeal to the City Council within ten (10) business days of the decision by the Chief of Police or his/her designee. The Notice of Appeal shall specify:

- (1) the name and address of the appellant;
- (2) the date of application;
- (3) the date of the denial, suspension, or revocation of the license or application;
- (4) the factual basis for the appeal.

(b) Upon receipt of a complete and timely filed Notice of Appeal, the City Clerk shall schedule a hearing before the City Council, no later than thirty days from the date of the filing of the Notice of Appeal with the City Clerk. Any appeal shall stay the suspension, modification or revocation of the license until the matter is heard by the City Council.

(c) The City Council may approve the denial, suspension, or revocation, overrule the denial, suspension, or modify the decision of the Chief of Police. The decision of the City Council shall be effective immediately.

(d) The Council's decision may be appealed to the Eighteenth Judicial District Court of the State of Kansas pursuant to K.S.A. 60-2101 and any amendments thereto. Any such appeal to the District Court shall not stay the denial, revocation, or suspension of the license by the City Council.”

SECTION 11. Section 3.40.065 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

**“Duties and Authority of the Alarm Administrator.** The Alarm Administrator shall:

- (a) Establish a procedure for the notification to an Alarm User of a false alarm. The notice shall include the following information:
  - 1. the date and time of law enforcement response to the false alarm; and
  - 2. a statement urging the Alarm User to ensure that the alarm system is properly operated, inspected, and

served in order to avoid false alarms and resulting fines.

(b) The Alarm Administrator may require a conference with an Alarm User and the alarm installation company and/or servicing company responsible for the repair or monitoring of the alarm system to review the circumstances of each false alarm. For these purposes, the alarm company must have a designated contact on record with the Alarm Administrator.

(c) The Alarm Administrator may create and implement an on-line Alarm User Awareness Class. The Alarm Administrator may request the assistance of alarm associations, alarm companies and law enforcement agencies in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and teach Alarm Users how to avoid generating false alarms. Providing that the Alarm User does not have outstanding fees owed to the City of Wichita, a passing test score on the on-line test may be used to satisfy fees incurred for one false alarm per registration year. The class must be completed by the Alarm User within thirty (30) days of receiving notification or assessment of a false alarm fee.

(d) The Alarm Administrator shall maintain statistics and records which may be utilized to determine the effectiveness of this code in reducing false alarms. Such records shall include the number of registered alarm systems, the increase or decrease of registered alarm systems from the previous year, the number of false alarms each year, the

decrease or increase in the number of false alarms and the total of all false alarm fees assessed and the amount of false alarm fees collected each year.”

SECTION 12. Section 3.40.070 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**“Required operational practices.** Each alarm business licensed under this chapter will conduct its operations in compliance with the following standards and practices:

(a) When an alarm business leases or installs an alarm system, it shall offer service either directly or through an agent for that alarm system on a twenty-four hour, seven-day-a-week basis for the purposes of repairing or servicing the system to correct any malfunctions which may occur. This information shall be provided in writing at the time of the lease or installation. The alarm business shall have a person certified, pursuant to Section 3.40.035, who is responsible for repair and maintenance of the alarm system.

(b) When an alarm business leases or installs an alarm system, the Alarm User shall be provided written instructions on how to operate the system and any user maintenance which may be required. These instructions shall be clear, concise and in language the Alarm User can read and understand.

(c) When an alarm business leases or installs an alarm system for which the Alarm User elects to have law enforcement personnel respond, it shall be the responsibility of the alarm business to:

(1) Provide the Alarm User, at the time of lease or installation of the alarm system, a written copy of the City of Wichita's false alarm penalties and procedures.

(2) Register each alarm system monitored by the business, prior to commencement of monitoring, with the Alarm Administrator or a designated representative.

(3) Registration shall be made by use of a form provided by the Alarm Administrator. A twenty-five dollar (\$25.00) fee shall be assessed for each registration form.

(d) The registration must be complete and shall include the following information:

(1) The name, complete address and telephone number of the individual or the Alarm User's designated representative who will be responsible for the proper maintenance and operation of the alarm system;

(2) The classification of the Alarm Site as either residential, commercial or government system;

(3) The date of installation and the name and certificate number issued by the Office of Central Inspection of the individual installing or replacing the system;

(4) For existing alarm systems, the date of conversion or takeover of the alarm system, whichever is applicable and the name and certificate number issued by the Office of Central

Inspection for the individual or company performing the alarm takeover or conversion;

(5) Mailing address, if different from the address of the Alarm Site;

(e) The registration shall be kept current by notifying the Alarm Administrator or a designated representative of the termination of monitoring, discontinuation of use or changes in ownership of property. If an Alarm User changes service companies, the new provider shall re-register the user with the Alarm Administrator or a designated representative. Such registration shall be effective for a period of twelve months from the date of issuance. The Alarm Administrator or a designated representative shall have the right to audit the information provided to verify its accuracy;

(f) An alarm service company, at the time of security alarm, shall attempt to contact the alarm user by telephone or other electronic means to verify that the alarm is valid;

(g) An alarm service company, when contacting the communication center regarding an alarm, shall provide the alarm user's name, address and permit number.

At the time of licensing or renewal of a license issued pursuant to this chapter, the alarm business shall submit to the Alarm Administrator, or a designated representative, a current and complete customer list in a format acceptable to the Alarm Administrator. Such information shall remain

confidential, shall not be released to the public and shall be used to assist in creating tracking and response data by the Alarm Administrator.”

SECTION 13. Section 3.40.090 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**“False Alarm Fee.** (a) Except as otherwise provided in this chapter, an Alarm User to which law enforcement personnel or fire personnel are requested to respond to a false alarm, shall be charged a false alarm fee. The Alarm User shall be assessed the following fees for each false alarm:

<b>NUMBER OF ALARMS</b>	<b>FALSE ALARM FEE – <u>SECURITY</u> <u>ALARMS</u></b>	<b><u>FALSE</u> <u>ALARM FEE–</u> <u>FIRE ALARM</u></b>
1	\$0	<u>\$0</u>
2	\$40	<u>\$100</u>
3	<del>\$80</del> <u>40</u>	<u>\$100</u>
4	<del>\$160</del> <u>60</u>	<u>\$150</u>
5	<del>\$320</del> <u>60</u>	<u>\$150</u>
6	<del>\$600</del> <u>120</u>	<u>\$300</u>
7 – 9	<del>\$750</del> <u>200</u>	<u>\$500</u>
<u>10<sup>th</sup> or more</u>	<u>\$350</u>	<u>\$750</u>

Graduated false alarm fees will be based only on the same type of previous false alarm.

No response fee shall be charged:

(1) For the first false alarm, regardless of type, each registration year, provided that the Alarm User, at the time of the false alarm, does not owe outstanding response or administrative fees;

(2) When it is reasonable to assume that the alarm was due to violent conditions of nature including an electrical storm which have been

verified by the National Weather Service to have been in the area where the alarm system is located at the time of the activation;

(3) Cable, line or power failure which has been specifically verified by the appropriate utility company serving the alarm location;

(4) For those alarms where the communications center is notified within four minutes of receipt of notification of the alarm that emergency medical, law enforcement or fire personnel are not required;

(5) For those alarms resulting from valid situations requiring an urgent response by law enforcement, fire or emergency medical personnel as verified by a report filed by such personnel; or

(6) For those alarms received by a medical alarm system.

(7) For alarms from governmental building alarm systems.

(b) If an alarm is received by the communications center from an alarm system which has not been registered with the City, as required in Section 3.40.070, an administrative penalty of one hundred fifty dollars shall be assessed against the alarm business for having failed to register the system. Such penalty shall be in addition to the false alarm charges assessed to the alarm user. Both the alarm user and alarm business shall be notified in writing that the alarm business is not in compliance with the city's ordinances.

(c) If an alarm is received by the communications center from an alarm system which registration has expired, an administrative penalty of one hundred fifty dollars shall be assessed against the Alarm User for having failed to

renew the registration of the system as required by Section 3.40.115. Such penalty shall be in addition to the false alarm charges assessed to the Alarm User.

(d) Should a disagreement arise over whether any particular false alarm fee or administrative penalty should be assessed, the facts surrounding the circumstances of the alarm activation shall, within thirty days of the date of the first invoice for the alarm, be presented in writing by the Alarm User or alarm business along with a ten-dollar administrative fee to the Alarm Administrator. The Alarm Administrator shall promptly forward the written fee dispute to the Chief of Police or for fire alarms, the Chief of the Wichita Fire Department. The Chief of Police or the Fire Chief shall, after consideration of all the information presented, determine whether a false alarm fee should be assessed. In the event of determination that no false alarm fee should be assessed, the ten-dollar administrative fee shall be refunded to the Alarm User or alarm business.

(e) If disagreement still exists after consideration by the Chief of Police or the Fire Chief, the facts surrounding the alarm activation shall be presented to the City Manager who shall, after consideration of all the information presented, determine whether a false alarm fee should be assessed. All such disagreements must be presented in writing by the Alarm User or alarm business to the City Manager within thirty days after the date of notification of the Chief of Police's or Fire Chief's determination that a false alarm fee is due as a result of the particular alarm being questioned; otherwise the determination that the fee is due shall be deemed correct.

(f) In making the determinations required by subsections (d) and (e) of this section, the Chief of Police, Fire Chief or the City Manager shall give consideration to the following, if presented, in addition to all other information presented:

(1) The purpose of this chapter as expressed in Section 3.40.010 of this Code;

(2) The Alarm User's history of valid and false alarms;

(3) Violent conditions of nature, including electrical storms, existing at the time of the activation;

(4) Other circumstances not reasonably subject to control by the alarm user or alarm business;

(5) Information from utility companies concerning cable, line or power failures or problems;

(6) Information from law enforcement, fire or emergency medical personnel who responded to the alarm activation; and

(7) The presence or absence of any direct or indirect evidence that a situation requiring an urgent response existed at the time of the alarm activation.

(g) The false alarm fee or administrative penalty under this section shall be due and payable to the Alarm Administrator or a designated representative within thirty days after receipt of notification that such fee is due. Further, if the fee is not paid within sixty days of such notification, a late fee in the amount of ten dollars per alarm call shall be added to the amount due. An

additional late fee of ten dollars will be assessed on each false alarm fee which remains unpaid ninety days following notification. After ninety days, following notice to the alarm user, the account may be turned over for collection. The City Attorney is authorized to use any legal means to recover the administrative penalties and fees assessed by this chapter.

The Alarm User and any alarm servicing company will be notified by certified mail that the communication center will not respond to further alarms from the system unless the delinquent fee and late charges are paid.”

SECTION 14. Section 3.40.100 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**“Direct connection prohibited--Exceptions--Annual fee--Response fee.**

All direct connections, direct-dials, or automatic-dialing devices of alarm systems to the communications center shall be prohibited except governmental building alarm systems.

SECTION 15. Section 3.40.115 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

**“Annual Registration Renewal by Alarm User.** (a) Following the initial twelve-month period of the alarm registration by the alarm company, it shall be the responsibility of the Alarm User to annually register the alarm with the Alarm Administrator.

(b) The Alarm Administrator shall notify the Alarm User of the necessity to renew the alarm registration.

(c) Alarm registrations shall expire one year after the date of issuance.

(d) A twenty-five dollar fee shall be assessed for each registration. No fee, however, shall be required for registration of medical alarm systems.

(e) On the renewal form provided by the Alarm Administrator, the Alarm User shall verify that all contact and monitoring information on file with the Alarm Administrator is correct. The Alarm User shall update all contact and monitoring information as is necessary.

(f) It is unlawful for any Alarm User or the owner of any premises with an alarm system to operate or use an alarm system or allow operation or use of an alarm without the alarm being registered. Pursuant to Section 3.40.090(c), an administrative penalty of one hundred fifty dollars (\$150.00) shall be assessed against the Alarm User for failure to renew the registration of the system after being notified by the Alarm Administrator of the need to re-register the alarm.”

SECTION 16. Section 3.40.118 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

**“Duties of Alarm Users.** It shall be the responsibility of the Alarm User to:

(a) Annually register their alarm system with the Alarm Administrator;

(b) Maintain the premises and alarm system in a manner that will reduce or eliminate false alarms;

(c) Respond or cause a representative to respond to the alarm system’s location within thirty (30) minutes upon notification of the need to deactivate a

malfunctioning alarm system, to provide the right of entry to the premises or to provide alternative security for the premises;

(d) Ensure that an alarm is not manually activated by the Alarm User or any other person for any reason other than an occurrence of an event that the alarm system was intended to report;

(e) Notify the Alarm Administrator if there is a change of address or ownership of a business or residence or if there is updated information.”

SECTION 17. Section 3.40.135 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**“Penalty.** Except as otherwise provided for by this chapter, every person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars. Each day any violation of this chapter continues shall constitute a separate offense.”

SECTION 18. Section 3.40.145 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

**“Government Immunity.** Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the Alarm User acknowledges that the Wichita Police Department response may be influenced by factors such as: the availability of police units, priority of calls,

weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.”

SECTION 19. Section 19.08.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**"Electricians' certificates--Contractor's license--Revocation.**

(a) The Board of Electrical Appeals is authorized to cancel, suspend and revoke the certificate of any master electrician, journeyman electrician, certified alarm installer, or residential wireman electrician for any or all of the following reasons:

(1) Committing of any act in violation of any provisions of this code or any other ordinance of the city, or the refusal or failure to comply with any lawful and reasonable order of the code official or inspector;

(2) Misrepresentation of a material fact by the applicant in obtaining a certificate;

(3) Carelessness or negligence in providing reasonable safety measures for the protection of the public.

(b) The Board of Electrical Appeals is authorized to cancel and recall the license of any electrical contractor or alarm contractor for any or all of the following reasons:

(1) Abandonment of any contract without legal cause;

(2) Diversion of funds or property received for performance or completion of a specific contract for a specified purpose, in the performance or completion of any contract, and application or use for any

other contract, obligation or purpose, or the failure, negligence or refusal to use such finds or property for the performance or completion of said contract;

(3) Committing of any act in violation of any provisions of this code or any other ordinance of the city, or the refusal or failure to comply with any lawful and reasonable order of the code official or inspector;

(4) Misrepresentation of a material fact by the applicant in obtaining a license;

(5) Failure of any contractor to fully certify all claims for labor and material used in the performance of any work for which he has been engaged or for which he has been paid;

(6) Use of any license to obtain a permit for another as set forth in Section 19.08.120 of this code;

(7) Carelessness or negligence in providing reasonable safety measures for the protection of workmen and the public;

(8) Failure to obtain permits as required in Section 19.08.150 of this title;

(9) Unreasonable delay in the performance and carrying out of any contract;

(10) Failure by the licensee, if a firm, co partnership or corporation, to have at least one active member or officer who has qualified as and has a master's certificate as provided in Section 19.08.070 of this code.

(11) Failure to have the required supervision for apprentice electrician or helper as set forth in Section 19.08.015 of this code;

(12) That the license holder is in arrears on payment of electrical permit and/or re-inspection fees.

(13) Misrepresentation of a material fact by a certificate holder on an alarm registration as required by Chapter 3.40 of the Code of the City of Wichita;

(14) Allowing a non-certified individual to utilize certification or certification number for the purposes of completing an alarm registration as required by Chapter 3.40 of the Code of the City of Wichita.

(c) Upon presentation by the code official to the Board of Electrical Appeals of charges against any holder of any certificate, as set forth in this section, the Board of Electrical Appeals shall fix a time and place for a meeting to consider such charges and shall notify the holder of such certificate to be present at such meeting. Such notification shall be in writing and shall be presented to the holder at least five days in advance of the meeting. If upon full hearing of all evidence by the Board of Electrical Appeals it shall be decided that such holder of a certificate has been guilty of any of the actions as hereinbefore set forth in this section, then the board shall have the power to place on probation for a specified time period, temporarily suspend or permanently revoke the license or certificate of the holder thereof.

(d) When a certificate of a person has been revoked, a new certificate shall not be granted until he shall have corrected the violation in accordance with this code or any ordinance of the city and shall have made application and have passed an examination as required for the original certificate.”

SECTION 20. The originals of Sections 3.40.020, 3.40.030, 3.40.035, 3.40.040, 3.40.050, 3.40.060, 3.40.070, 3.40.090, 3.40.100, 3.40.105, 3.40.135 and 19.08.050 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 21. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective August 1, 2010.

PASSED by the governing body of the City of Wichita, Kansas, this 15th day of June, 2010.

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Carl Brewer, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to Form:

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Gary E. Rebenstorf  
Director of Law